



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during March 2015

DISTRIBUTED: April 17, 2015

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Asbestos:

Ryan Byther d/b/a Downeast Construction, Wilton, Maine. Ryan Byther d/b/a Downeast Construction ("Downeast Construction") violated Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations* by engaging in an asbestos abatement activity without being licensed or certified by the Department and without notifying the Department in writing of the intention to engage in an asbestos abatement activity. Downeast Construction further violated the *Asbestos Management Regulations* by engaging in an asbestos abatement activity: without first establishing a regulated area; without first establishing a decontamination facility; without placing air ventilation units adjacent to active removal activities; without establishing critical barriers; without posting warning signs; without first removing or covering movable and immovable objects within the regulated area with polyethylene sheeting; without first containerizing asbestos-containing material that is removed from elevations exceeding ten feet at the height of removal; without containerizing asbestos-containing thermal system insulation prior to removal; without containerizing asbestos-containing material after removal by the end of each workday; without storing asbestos waste in a secure container or area accessible to authorized persons only; and storing waste on site for more than five days; without decontaminating and making free of visible debris all equipment and material that is removed from a regulated area; without providing individuals engaged in asbestos abatement activities with personal protective equipment; without first wetting the asbestos-containing thermal system insulation; and without ensuring that individuals engaged in asbestos abatement activities comply with personal decontamination procedures. Downeast Construction also violated the Department's *Asbestos Management Regulations* by conducting a renovation or demolition activity that impacts a building material likely to contain asbestos without complying with the pre-abatement requirement of conducting a building demolition inspection prior to engaging in an asbestos abatement activity. Specifically, a Department inspection revealed that Downeast Construction employees had removed suspect asbestos-containing thermal system insulation from piping during salvaging operations. Department staff estimates that approximately 500 linear feet of asbestos-containing thermal system insulation was removed by Downeast Construction. To resolve the violations, Downeast Construction agreed to pay \$76,000 as a civil monetary penalty, of which \$62,500 is suspended and permanently waived provided that Downeast Construction



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complies with all provisions of the agreement. The \$13,500 unsuspended balance of the penalty will be paid according to a payment plan.

Water and Solid Waste:

Owls Head, South Thomaston & Thomaston Solid Waste Corporation, Thomaston, Maine. Owls Head, South Thomaston & Thomaston Solid Waste Corporation ("OHSTT") violated Maine's *Protection and Improvement of Waters* law and the Department's *Transfer Stations and Storage Sites for Solid Waste* rule by discharging leachate from a holding tank to an unnamed freshwater brook after being filtered through a wood chip berm, without a permit. To resolve the violations, OHSTT agreed to immediately provide to the Department a copy of the contract between OHSTT and the transporter for the removal of leachate from the solid waste facility holding tanks and within thirty days of each removal of leachate from the facility's holding tanks, provide the Department with disposal receipts certified by the transporter documenting the lawful transport and disposal of the leachate, dispose of all wood chips used for filtering the leachate, and have the OHSTT facility manager attend Department solid waste operator trainings. In addition, OHSTT paid \$2,620 as a civil monetary penalty.

Water:

Penobscot McCrum LLC, Belfast, Maine. Penobscot McCrum LLC ("McCrum") violated Maine's *Protection and Improvement of Waters* law and its Department-issued Waste Discharge License ("WDL") limits by exceeding its license limits for the discharge of total suspended solids and pH at times identified in the agreement. McCrum also submitted monitoring data to the Department without providing acceptable data for biochemical oxygen demand, failed to conduct monitoring and report temperature for the discharge of non-contact cooling water, discharged non-contact cooling water without reporting data for flow and pH, and failed to maintain records of monitoring information at times identified in the agreement. Furthermore, McCrum discharged ammonia from the facility's cooling system into non-contact cooling water which discharged to the Passagassawakeag River. Following Department involvement, McCrum rerouted the flows from its cooling system, corrected an erroneously installed component of the automated purge valve system, and submitted to the Department a draft revision to its facility Operations and Maintenance ("O&M") Plan. To resolve the violations, McCrum agreed to adhere to the revised O&M Plan and other conditions of its WDL. In addition, McCrum paid \$15,090 as a civil monetary penalty.



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District Court Enforcement Resolutions (party followed by location):

Oil and Solid Waste:

Lee John Wood and Michelle Wood d/b/a L&J Trucking and Recycling, Oakfield, Maine. Lee John Wood and Michelle Wood d/b/a L&J Trucking and Recycling ("L&J") violated Maine's *Oil Discharge and Pollution Control* law by discharging oil to ground water or other waters of the State or onto lands adjacent to, on, or over such waters of the State, failing to immediately undertake to remove the prohibited oil discharges, and by not reporting the oil discharges to the Department at L&J's automobile recycling facility and junk yard in Oakfield. L&J violated the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by failing to handle fluids from motor vehicles in such a manner that they do not leak, flow or discharge onto the ground. L&J also violated Maine's *Hazardous Waste, Septage and Solid Waste Management Act* and the Department's *Solid Waste Management* rules by establishing solid waste facilities without a permit issued by the Department. Following Department involvement, L&J stopped purchasing various types of scrap metal and junked automobiles, shipped and sold several loads of scrap metal, and stopped crushing cars at the site. To resolve the violations, L&J agreed to: take action to cease the discharge of oil and control all fluids from motor vehicles; properly remove, transport, and dispose of all waste oils and existing oil drums and provide the Department with documentation of their removal; submit to the Department a comprehensive site assessment report of oil contamination at the facility; submit a remediation plan and schedule to the Department, for its review and approval, for the removal and proper disposal of oil-contaminated soil at the facility; perform and complete all remediation activities set forth in the Department-approved remediation plan; determine the location and extent of all buried solid waste materials; submit a plan to the Department, for its review and approval, to excavate, remove and properly dispose of buried solid waste materials; perform and complete all excavation, removal, and disposal of all buried solid waste materials found as set forth in the Department-approved plan; remove remaining scrap metal to a licensed solid waste facility; and remove all tires from the facility. In addition, L&J agreed to pay \$31,900 as a civil monetary penalty, all of which is suspended contingent on full and timely compliance with all conditions of the consent decree and order.